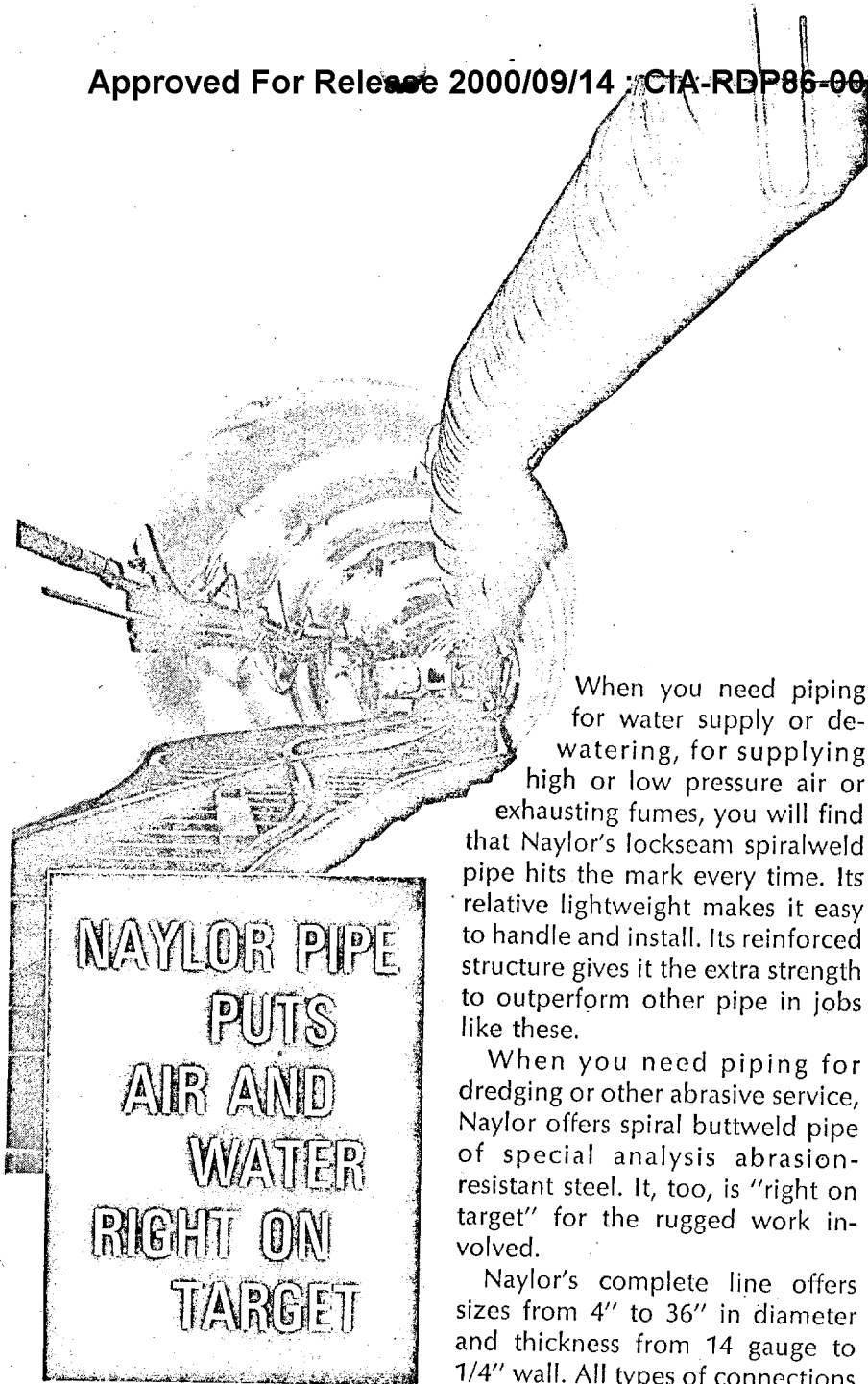
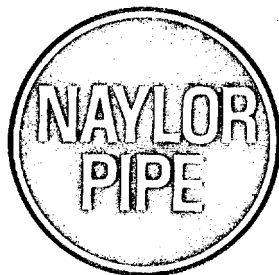


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## Turnkey housing

**No contract for the low bidder, cost is only one consideration**

A contractor that was the low responsible bidder for a low-rent housing project was denied the contract despite the existence of a state statute that stipulates the low bidder shall be awarded the contract. The New Jersey Supreme Court held that the statute requiring competitive bidding and contract award to the low bidder was not applicable to federally-assisted turnkey projects.\*

A local municipal housing authority that had been created to administer a turnkey housing project which would be built with financial assistance from the Department of Housing and Urban Development (HUD), awarded the contract to other than the low bidder. The low-bidding contractor filed suit claiming the authority's action was illegal since it was required by statute to give the contract to the low bidder.

The housing authority argued that the state statute was not applicable to federally assisted turnkey low-rent housing projects.

The court concluded that while the cost of construction on a turnkey housing project is of primary concern, the project is equally, if not more concerned with design and overall construction quality of the entire housing project. The court held that the general need for competitive bidding was not applicable to this type of turnkey housing project.

The court noted that HUD required its manual be adopted and used by local authorities for this type of federally assisted project and that the manual neither requires nor permits competitive bidding of the type specified by the statute. The court found that if the strictures of the state law were imposed by judicial interpretation, federal turnkey project assistance might not be available for the state. The court held the municipality correct in disregarding the statute.

\* *Lehigh Construction Co. v. Housing Authority, City of Orange*, 56 N.J. 447, 267 A.2d 41 (1970).

Recent decisions are selected and reviewed by Michael S. Simon, member of the New York Bar.